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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 UNITED STATES OF AMERICA,
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10 Plaintiff,

11 v.

12 RAPHAEL GLAPPION PINKNEY,
13

Defendant.

Case No. 2:13-cr-00026-MMD-VCF

ORDER

14 Before the Court is Defendant Raphael Glappion Pinkney's Motion to Withdraw
15 Counsel. (Dkt. no. 16.) Pursuant to Local Rule IA 10-6, a party who is represented by
16 counsel may not appear or act in the case. Therefore, Defendant's request will be
17 denied as it is procedurally barred. Moreover, this case has concluded upon the
18 Judgment being entered on May 13, 2013. (Dkt. no. 14.) Nevertheless, counsel for
19 Defendant is directed to confer with his client to determine if counsel should seek to
20 withdraw from representation of Defendant.

21 To the extent Defendant is seeking to move to vacate his conviction under 28
22 U.S.C. § 2255 by arguing that his attorney was not effective in representing him,
23 Defendant should be aware that the period for filing such a motion is one (1) year from
24 the date on which the judgment of conviction becomes final or the later date of other
25 events that probably do not apply to Defendant's situation.¹ See 28 U.S.C. § 2255(f).
26 Again, the Judgment of Criminal Conviction was entered on May 13, 2013. (Dkt. no. 14.)

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28 ¹The Court does not in any way suggest that a motion to vacate under 22 U.S.C.
§ 2255 would have any merits.


1 Defendant therefore has until May 13, 2014 to file a motion to vacate. If Defendant
2 wishes to challenge the fact of his confinement, Defendant's recourse is to file a petition
3 for writ of habeas corpus under 28 U.S.C. § 2241 in the district where Defendant is
4 serving his sentence.

5 It is therefore ordered that Defendant's Motion to Withdraw Counsel (dkt. no. 16)
6 is denied.

7 It is further ordered that the Clerk of the Court shall send Defendant two
8 (2) copies of the motion to vacate form and one (1) copy of the instructions for the
9 same.

10 It is further ordered that before Defendant's counsel may raise the issue of
11 withdrawal with this Court, Defendant's counsel shall first file a motion to vacate on
12 Defendant's behalf should Defendant elect to file the motion.

13 DATED THIS 25th day of April 2014.

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17 MIRANDA M. DU
18 UNITED STATES DISTRICT JUDGE
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